

Notice of Allowability

Application No.

10/082,779

Examiner

Michael Butler

Applicant(s)

DINAPOLI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 8/11/04 & 7/2/11.
2. ☐ The allowed claim(s) is/are 1-4.
3. ☒ The drawings filed on 25 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____ |

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DETAILED ACTION

Allowable Subject Matter

1. Per the amendment of 7/04, which cancelled claims 5-8, claims 1-4 are allowed per the advisory action dated 6/16/04.
2. The casefile had been converted from paper to image file wrapper format with the incoming amendment of 7/2/04 so the filecover showing the allowability of claims 1-4 in the advisory action of 6/22/04 was no longer easily visible on top of the casefile, the protective Notice of Appeal filed 6/23/04 was misperceived as a precursor to appeal rather than a protective Notice of Appeal with placement of claims into better condition for appeal rather than placing case in condition for allowance. The Office apologizes for this oversight.
3. Per the conversation of 8/11/04 with applicant's representative Michael Cummings, the case is being passed on to allowance with claims 5-8 cancelled per the 7/2/04 amendment.
4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
5. The following is an examiner's statement of reasons for allowance: The prior art does not disclose:

Of particular interest is Lupertie which discloses: An enclosure feeder system for use with an inserter system that combines collations in a sequence of collations with a given number of respective corresponding specific enclosures, the enclosure feeder

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system for providing the enclosures to be combined with the collations, the enclosures for each successive collation ordinarily being separator by a divider indicator for indicating the end of the sequence of enclosures for a collation, the enclosure feeder system comprising: enclosure feeding means , responsive to a feed count request for a collation and to an expected number of respective corresponding specific enclosures, for feeding the specific enclosures and for providing an enclosure count corresponding to the number of specific enclosures actually fed ; and supervisory control means, responsive to the expected number of respective corresponding specific enclosures, for providing the feed count request for a collation and the expected number of respective corresponding specific enclosures, and further responsive to the enclosure count corresponding to the number of specific enclosures actually fed, for comparing the number of enclosures actually fed for a collation to the expected number of respective corresponding specific enclosures; wherein the enclosure feeding means continues feeding enclosures for the collation until the number of enclosures is equal to the expected number of enclosures, the supervisory control means programmed to provide a feed count and upon detecting the reaching of the expected number of enclosures.

Of particular interest is Lupertie et al. which discloses: an enclosure feeder system for use with an inserter system that combines collations in a sequence of collations with a given number of respective corresponding specific enclosures, the enclosure feeder system for providing the enclosures to be combined with the collations, the enclosures for each successive collation ordinarily being separator by a divider indicator for indicating the end of the sequence of enclosures for a collation, the enclosure feeder system comprising: enclosure feeding means , responsive to a feed count request for a

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collation and to an expected number of respective corresponding specific enclosures, for feeding the specific enclosures and for providing an enclosure count corresponding to the number of specific enclosures actually fed ; and supervisory control means, responsive to the expected number of respective corresponding specific enclosures, for providing the feed count request for a collation and the expected number of respective corresponding specific enclosures, and further responsive to the enclosure count corresponding to the number of specific enclosures actually fed, for comparing the number of enclosures actually fed for a collation to the expected number of respective corresponding specific enclosures; wherein the enclosure feeding means continues feeding enclosures for the collation until the number of enclosures is equal to the expected number of enclosures. However Lupertie et al. neither discloses nor obviates, alone or in combination, programming the supervisory control means to automatically cease feeding enclosures when the expected number of enclosures is reached.

Drawings

6. The Drawings are acceptable.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (703) 308-8344.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (703) 306-4173. The fax number for the Group is (703) 305-7687.

Michael E. Butler

Michael E. Butler

Examiner


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600